

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Americatel Petition for Declaratory Ruling	)	
	)	
Obligations of All Local Exchange Carriers	)	
to Provide Timely and Accurate Billing	)	
Name and Address Service To Interexchange	)	
Carriers	)	
	)	CG 02-386
Petition For Rulemaking to Implement	)	
Mandatory Minimum Customer Account	)	
Record Exchange Obligations On All Local	)	
and Interexchange Carriers	)	

**COMMENTS**

BellSouth Corporation, on behalf of itself and its wholly owned subsidiaries ("BellSouth"), hereby submit the following comments on the Petition for Declaratory Ruling filed by Americatel Corporation ("Americatel") and the Petition for Rulemaking jointly submitted by AT&T Corp., Sprint Corporation and WorldCom, Inc. ("Joint Petitioners").

While styled differently, the subject of both petitions is the exchange of customer information between carriers. As the petitions indicate, the exchange of information is needed to maintain customer accounts and for proper billing. Incumbent local exchange carriers have engaged in the exchange of such necessary information since the break-up of the Bell System and the advent of presubscription for interexchange service.

Prior to the Telecommunications Act of 1996, interexchange carriers needed only concern themselves with getting information from one local exchange carrier. Indeed, the

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Customer Account Record Exchange ("CARE") process worked well in these circumstances, and, as between the ILECs and interexchange carriers, the process continues to work well.

With the implementation of the Telecommunications Act of 1996 came the introduction of competitive local exchange carriers ("CLECs"). Thus, an effective CARE process between ILECs and IXC's no longer circumscribed the entire universe of carriers among whom information had to be exchanged. Underlying both petitions is the fact that there is a segment of carriers, CLECs, who are not required by Commission rule to engage and are in fact not engaging in the CARE process. Accordingly, the purpose of both petitions is to establish CARE obligation upon all carriers.

In this regard, since the outcomes sought by both petitioners are rules of general applicability, the appropriate procedural path is a rulemaking proceeding that satisfies the requirements of the Administrative Procedure Act.<sup>1</sup> Indeed, Americatele recognized the limitations of a declaratory ruling<sup>2</sup> and asked the Commission to treat its petition as a request for rulemaking should the Commission conclude that the matters raised by Americatele should be addressed in a rulemaking.

The question before the Commission is whether a rulemaking proceeding should be commenced. Clearly, there is no need for such a proceeding were it only to consider the CARE process as it pertains to ILECs alone. Indeed, petitioners have not demonstrated that the existing CARE process with the ILECs is deficient. The only basis for a rulemaking articulated in the

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<sup>1</sup> 5 U.S.C. §551 *et seq.*

<sup>2</sup> Under the Commission's rules, a declaratory ruling is for the purpose of removing uncertainty. 47 C.F.R. § 1.2. Neither of the petitioners contends that it is uncertain as to whether CLECs must engage in the CARE process. To the contrary, the fundamental predicate of both petitions is that some carriers have no Commission prescribed obligations and, therefore, do not engage in the CARE process.

petitions is that some carriers do not participate in the CARE process. As a result, IXC's are having difficulty in obtaining information that they need to bill their services. As long as the purpose of the proceeding would be to address the problem identified in the petition and would be aimed at establishing obligations for all carriers, BellSouth does not object to the initiation of a rulemaking proceeding.

In the event the Commission initiates a rulemaking, the Commission should make clear that its purpose is to establish reasonable parameters around which carriers exchange information. In other words, the outcome of the proceeding is to fairly distribute the obligations across all carriers. An appropriate tentative conclusion in such a rulemaking is that when a customer changes carriers, each local carrier involved in the transaction would provide its information to the IXC, and that the IXC would be responsible for acting on the information it receives. Thus, for example, if a customer changes its local service provider, the local carrier from whom the customer dropped service would notify the IXC that the customer dropped service. The local carrier to whose service the customer changed would notify the IXC of the customer addition. In this way, IXC's will have the information necessary to identify the local carrier from whom it would obtain billing information.

BellSouth believes that the CARE process itself should not be the subject of the rulemaking. The CARE process defines the standards by which carriers exchange information. The Ordering Billing Forum ("OBF") typically defines such standards. OBF provides a forum in which all segments of the industry can and do participate. It is a place where issues are subject to a robust debate and take into account fully the wide spectrum of industry members with diverse operational capabilities. For nearly two decades, OBF has been successfully used by the industry and relied on by the Commission to address technical issues such as the CARE process.

Nothing has been presented in the petitions that would suggest that there is any reason to depart from a process that works. Indeed, the OBF is far better suited than a notice and comment rulemaking to consider technical and operational issues that surround the development of workable standards to govern information exchange.

Accordingly, the rulemaking proceeding should confine itself to two basic issues: (1) defining the obligations of carriers; and (2) providing for recovery of cost associated with complying with the rules. The Joint Petitioners appear to seek adoption by the Commission of specific performance metrics for the CARE process. It is premature to consider the question of metrics. Until the standards are defined and implemented, it is impossible to determine whether metrics are necessary or useful. Prescribing metrics for metrics' sake does little more than add cost to the process. Given that many carriers, heretofore not subject to the CARE process, will have to develop new systems to exchange information, a reasoned approach requires that the standards be defined by the industry first through the OBF before metrics can rationally be discussed.

Respectfully submitted,

**BELLSOUTH CORPORATION**

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## CERTIFICATE OF SERVICE

I do hereby certify that I have this 21<sup>st</sup> day of January 2003 served the following parties to this action with a copy of the foregoing **COMMENTS OF BELL SOUTH** by electronic filing and/or by placing a copy of the same in the United States Mail, addressed to the parties listed below.

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